August 23, 2010

#### **D057838** In re Nunez on Habeas Corpus

The petition is denied.

#### D057937 Seymour v. Superior Court of San Diego County/Klinger

The petition is denied.

#### D055505 People v. Gallardo

The felony sentence is vacated and the matter is remanded to the superior court for resentencing in accordance with this opinion. In all other respects, the judgment is affirmed. Huffman, J.; We Concur: McConnell, P.J., O'Rourke, J.

#### **D057795** In re Chavez on Habeas Corpus

The petition is denied.

#### D055281 Law Office of Don Detisch v. Woolley et al.

The order and underlying default judgment are modified on appeal by striking the default judgment amount of \$3,110 attorney fees, with the balance to stand, and as so modified, the order and default judgment are affirmed. Plaintiff and Respondent to recover its ordinary costs on appeal. Huffman, J.; We Concur: McConnell, P.J., Irion, J.

#### D056749 In re S.D. et al., Juveniles

The orders are affirmed. McDonald, J.; We Concur: McConnell, P.J., McIntyre, J.

#### D054408 People v. Russell, Jr.

The judgment is modified to add two extra days of custody credits for time Russell spent in the hospital (Sept. 5 and 6, 2006). The superior court is directed to amend the abstract of judgment accordingly and provide an amended abstract to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed. CERTIFIED FOR PUBLICATION. Huffman, Acting P.J.; I Concur: O'Rourke, J.; I Dissent: McIntyre, J.

#### D057688 In re Corning on Habeas Corpus

The petition is denied.

#### D057751 Glover v. Reventures Operation, Inc.

Pursuant to California Rules of Court, rule 8.140, the appeal filed July 1, 2010, is dismissed for appellant's failure to timely designate the record.

#### D057134 Woodall v. Hernandez et al.

Appellant has failed to file a brief after notice given pursuant to CRC, rule 8.220(a). The appeal is dismissed.

August 23, 2010 (Continued)

#### D056743 Nelson v. Jorgensen

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.

#### DIVISION ONE

August 24, 2010

#### D057682 Kennedy v. Hatt et al.

The appeal is dismissed on the ground that it does not dispose of all causes of action between the parties, and is not a final, appealable judgment or order.

#### D056987 In re H.V., a Juvenile

The judgment is affirmed. McDonald, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

#### **D057667** In re Roberts on Habeas Corpus

The petition is denied.

#### D054325 People v. Nelson

The judgment is affirmed. McConnell, P.J.; We Concur: Haller, J., McIntyre, J.

#### D057689 In re Estrada on Habeas Corpus

The petition is denied.

#### **D055885** Parker v. First Advantage Corporation

The petition for rehearing is denied.

#### D056721 In re G.P., a Juvenile

The judgment is affirmed. McConnell, P.J.; We Concur: Haller, J., McDonald, J.

#### **D056826** In re Andrade on Habeas Corpus

The petition is denied as moot.

#### D054120 People v. Butler

The judgment is affirmed. CERTIFIED FOR PUBLICATION.

Haller, J.; We Concur: McConnell, P.J., McDonald, J.

#### D056991 In re C.H. et al., Juveniles

The findings and orders are affirmed. Aaron, J.; We Concur: McConnell, P.J., Haller, J.

#### **D057787** In re Wilson on Habeas Corpus

The petition is denied

#### D053955 People v. Lutz

The judgment is affirmed. O'Rourke, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

#### **D056457** In re Lutz on Habeas Corpus

In light of the disposition in *People v. Jeremy John Lutz*, D053955, the petition is dismissed.

DIVISION ONE August 25, 2010

#### D056907 People v. Dodson

Upon filing a written abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)

#### D055637 People v. Hurlburt

The judgment is affirmed. McConnell, P.J.; We Concur: Haller, J., O'Rourke, J.

#### D057152 In re Estate of Amico

Appellant has submitted an "Application for Relief" indicating he is under medication and requests a ruling on his motion for appointment of counsel in this civil matter. The application is treated as a motion to vacate the dismissal and reinstate the appeal. The dismissal is vacated and the appeal is reinstated. The request for appointed counsel is denied. Designation of the record with the San Diego County Clerk of the Superior Court is due within 20 days of the date of this order.

#### D055614 Rolla v. Cheldin et al.

The judgment is affirmed. O'Rourke, J.; We Concur: McConnell, P.J., Aaron, J.

#### D054674 The Pala Corporation v. Vinci-Pacific Corporation et al.

The judgments are affirmed. Irion, J.; We Concur: McConnell, P.J., Haller, J.

#### D057156 People v. Kjeldergaard

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.316.)

#### **D055754** In re Virgil on Habeas Corpus

The petition is denied.

#### D055268 Kaye v. Board of Trustees of the San Diego County Law Library et al.

Order modifying opinion and denying petition for rehearing [no change in judgment].

#### D055534 Alga Hills Homeowners Association v. Gallagher

The request for publication of the opinion is denied.

#### D057510 Ronnie J. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorneys for petitioners Ronnie J. and M.J. have notified the court that petitions for writ of mandate under California Rules of Court, rule 8.452 will not be filed as there are no viable issues for writ review. Counsels' requests, on behalf of petitioners, for extensions of time to file petitions are denied. The case is dismissed.

August 25, 2010 (Continued)

#### D057666 Jennifer H. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorneys for petitioners Jennifer H. and Nicholas P. have notified the court that petitions for writs of mandate under California Rules of Court, rule 8.452 will not be filed as there are no viable issues for writ review. Counsels' requests, on behalf of petitioners, for extensions of time to file petitions are denied. The case is dismissed.

## D057535 Jessica R. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Jessica R. has notified the court that petitions for writs of mandate under California Rules of Court, rule 8.452 will not be filed as there are no viable issues for writ review. Counsels' requests, on behalf of petitioners, for extensions of time to file petitions are denied. The case is dismissed.

#### D056909 People v. Perez

The judgment is affirmed. Irion, J.; We Concur: Haller, Acting P.J., McDonald, J.

#### D057786 In re Colon on Habeas Corpus

The petition is denied.

August 26, 2010

#### **D057615** In re Anderson on Habeas Corpus

The petition is denied.

#### D057856 Petersen v. Superior Court of San Diego County/Ellis et al.

The petition is denied.

### D057861 Petersen v. The Superior Court of San Diego County/San Diego Police Officers Association

The stay issued on August 5, 2010, is vacated. The petition is denied.

#### D057475 Valenzuela v. State of California

The appeal filed May 13, 2010, is dismissed because appellant did not timely deposit costs for preparing the record on appeal (Cal. Rules of Court, rule 8.122(c), 8.130(b), 8.140).

### D057833 B.M. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner B.M. has notified the court that a petition for writ of mandate under California Rules of Court, rule 8.452 will not be filed as there are no viable issues for writ review. Counsel's request, on petitioner's behalf, for an extension of time to file a petition is denied. The case is dismissed.

#### **D057718** In re Porter on Habeas Corpus

The petition is denied.

#### D057854 In re Ewing on Habeas Corpus

"[A] Court of Appeal decision denying a petition for writ of habeas corpus without issuance of an order to show cause is final in the Court of Appeal upon filing." (Cal. Rules of Court, rule 8.387(b)(2)(A).) This court summarily denied the petition for writ of habeas corpus (D0567854) on August 11, 2010. The court no longer has authority to modify the order. (Rule 8.264(c)(1).) The request for reconsideration is denied.

## D057815 Carrie M. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Carrie M. has notified the court that a petition for writ of mandate under California Rules of Court, rule 8.452 will not be filed as there are no viable issues for writ review. Counsel's request, on petitioner's behalf, for an extension of time to file a petition is denied. The case is dismissed.

August 26, 2010 (Continued)

## D057572 Isabel F. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Isabel F. has notified the court that a petition for writ of mandate under California Rules of Court, rule 8.452 will not be filed as there are no viable issues for writ review. Counsel's request, on petitioner's behalf, for an extension of time to file a petition is denied. The case is dismissed.

#### D057422 Bernardo L. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorneys for petitioners Bernardo L. and S.G. have notified the court that petitions for writs of mandate under California Rules of Court, rule 8.452 will not be filed as there are no viable issues for writ review. The request of Bernardo L's counsel's request, on petitioner's behalf, for an extension of time to file a petition is denied. The case is dismissed.

#### D057066 Gunderson v. The Superior Court of San Diego County et al.

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)

#### D056949 In re C.B., a Juvenile

The orders are affirmed. Irion, J.; We Concur: McDonald, Acting P.J., Aaron, J.

#### **D056286** In re Hansen on Habeas Corpus

The relief sought in the petition for writ of habeas corpus is granted. The Board's decision denying parole is vacated. The matter is remanded to the Board for a further hearing in accordance with due process standards and consistent with our opinion. The Board is directed to schedule a hearing for a date within 30 days after the finality of this decision. In the interests of justice, this decision is made final as to this court seven days from the date of filing. (Cal. Rules of Court, rule 8.387(b)(3)(A).) McIntyre, J.; We Concur: McDonald, Acting P.J., Aaron, J.

#### D056691 In re Angelica A., a Juvenile

The order is affirmed. McIntyre, J.; We Concur: Nares, Acting P.J., McDonald, J.

#### D056561 In re Liftee on Habeas Corpus

The relief sought in the petition for writ of habeas corpus is granted. The Board's decision denying parole is vacated. The matter is remanded to the Board for a further hearing in accordance with due process standards and consistent with our opinion. The Board is directed to schedule a hearing for a date within 30 days after the finality of this decision. In the interests of justice, this decision is made final as to this court seven days from the date of filing. (Cal. Rules of Court, rule 8.387(b)(3)(A).) McIntyre, J.; We Concur: McDonald, Acting P.J., Aaron, J.

#### D057935 In re Shaw on Habeas Corpus

At the request of petitioner, the petition for writ of habeas corpus is dismissed.

#### D058016 People v. Toney

The denial of a petition for writ of habeas corpus is not appealable. The appeal is dismissed.